IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

Ashok Kumar Jain & Anr.

Versus

Anunay Dhadha & Anr.

S.B. CIVIL REVISION PETITION NO.34/2004

DATE OF ORDER : 03/11/2006

Hon'ble Mr. Justice Ajay Rastogi

Shri G.C. Saini on behalf of Dr. P.C. Jain for petitioners
Shri M.C. Gupta on behalf of Mr. G.P. Sharma, for respondents

BY THE COURT:

Counsel for respondents submits that in identical suit filed by the respondent-plaintiff applications filed by the petitioner-defendant under O.7 R.11 CPC were decided by the learned trial court holding that the matter can be decided only after recording evidence and the present matters which have been given out by the counsel evidence of plaintiff is going on and the affidavits of the witnesses have been filed and the matter is further in process and the identical Revision Petition No.32/04 has been dismissed by this court vide order dated 3rd May, 2005 with the further direction that the plea raised by the defendant as contained in the application under O.7 R.11 CPC be decided at the preliminary stage.

Counsel submits that the present revision petition is identical in nature.

Consequently, the revision petition is dismissed with the direction that the plea raised by the defendant as contained in the application under O.7 R.11 CPC be decided at the preliminary stage.

[Ajay Rastogi],J.

FRBOHRA,JR.P.A.